

SANTA MONICA MOUNTAINS CONSERVANCY

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March 26, 2007

Ms. Cynthia Ruiz
President
Board of Public Works
City of Los Angeles
200 N. Spring Street
Los Angeles, California 90012

**Comment Letter on Proposed Stream Protection Ordinance
for the City of Los Angeles**

Dear Ms. Ruiz and Commissioners:

The Santa Monica Mountains Conservancy is the principal state agency charged with planning and conservation for the Santa Monica Mountains Zone, which includes portions of the City of Los Angeles and the Los Angeles River, Ballona Creek, Santa Monica Bay, and Dominguez Channel Watersheds, pursuant to Division 23 of the Public Resources Code. The Conservancy applauds the City of Los Angeles' efforts to protect and preserve the remaining riparian ecosystems in the City. Immediate land use regulation is critical to preventing irreversible loss of these resources. The Conservancy supports the provisions of the draft ordinance, with one small exception, and respectfully requests the Board of Public Works to include the following changes.

Definition of Stream

The draft ordinance defines stream as:

A Watercourse that is a naturally occurring swale or depression, or engineered channel which carries fresh or Estuarine water **either seasonally or year round** within the City boundaries, and/or any area identified through field investigation by a trained biologist, engineer, landscape architect, hydrologist, fluvial geomorphologist, or ecologist as meeting the above criteria. Streams include tributary drainages that carry storm water runoff and connect to larger streams.

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The Conservancy requests that the definition be adjusted for consistency with accepted standards to read:

A Watercourse that is a naturally occurring swale or depression, or engineered channel which carries fresh or Estuarine water **perennially, intermittently or ephemerally** within the City boundaries, and/or any area identified through field investigation by a trained biologist, engineer, landscape architect, hydrologist, fluvial geomorphologist, or ecologist as meeting the above criteria. Streams include tributary drainages that carry storm water runoff and connect to larger streams.

The distinction is significant and must be stated outright because many streams in Los Angeles do not have the appearance of running water seasonally, but do so on an intermittent or ephemeral basis. The existing definition narrows the protection of streams to exclude those with intermittent or ephemeral flows. Further, the amended language will be consistent with the entirety of the ordinance (see section VI A).

Again, the Conservancy staff applauds the City's work in developing this ordinance to protect streams and streams systems in Los Angeles. Time is of the essence in enacting this ordinance, and any necessary interim control measures should also be put in place until the ordinance is fully adopted and implemented.

Sincerely,

ELIZABETH A. CHEADLE
Chairperson

